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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,935	07/18/2003	Helmut Kreller	1954/0M900US0	2993
7278	7590	06/02/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,935

Applicant(s)

KRELLER, HELMUT

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006 and 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 6-15, 20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-5, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election of Species

Claims 6-15, 20, and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/21/2005.

Regarding claim 13, the changes to the claim make the claim not readable on the elected species, Figs. 1-5, because claim 13 recites three coupling units, i.e., "a coupling unit" (line 7), "a further coupling unit" (line 10), and "an additional coupling unit" (line 15). The elected figures have two coupling units 34 and 52.

Regarding claim 20, the changes to the claim make the claim not readable on the elected species, Figures 1-5, because the first coupling unit 52 is not a single-piece cast part. Note that that the first coupling unit 52 is composed of several pieces, which include two half pieces, and an anchoring screw at most.

Regarding claim 23, the changes to the claim make the claim not readable on the elected species, Figures 1-5, because the additional recess is not used to connect an additional coupling unit. Note that that the additional recess 26 is not used at all in the elected species.

Regarding claims 6-9, 11, 12, and 14, these claims depend from a withdrawn claim, claim 13.

Regarding claim 10, this claim is not readable on the elected species as no rotation prevention unit is provided. Regarding claim 15, this claim is not readable on the elected species as a further coupling unit is not shown on the elected species.

Drawings

The drawings were received on 11/21/2005. These drawings are acceptable. However, Figure 4 and 9 contain discrepancies as noted below.

The drawings are objected to because the ends of the broken line in Figure 4 should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view. See 37 CFR 1.84(h)(3) and MPEP 608.02(e). Note, the Roman numeral "I" corresponds to Figure 1 and not Figure 5 as described in the brief

descriptions of the drawings. See page 8, lines 20-23. Therefore, section "I-I" should be --V-V--.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a plate with a vertical slot (Figure 2) and a plate with a horizontal slot.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "68", "70", and "72" has been used to designate respectively a small cross-section deformation (Figure 2; has the deformation continuous) and a large cross-section deformation (Figure 9; has the deformation discontinuous).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "50.1" shown in Figure 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing

figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2, 3, 16, 21, and 23 are objected to because of the following informalities:
regarding claim 2, the limitation "case in the" in line 4 should be deleted, "strut" in lines 5 and 6 should be --struts--, and a comma is needed after the second occurrence of "profile" in line 14;

regarding claim 3, "the stop" in line 4 should be --a stop-- as a stop has not been previously recited;

regarding claim 16, -- , comprising-- should be inserted after "scaffolding" in line 1, "case in the" in line 3 should be deleted, "strut" in lines 4 and 5, should be --struts--, "the frame strut" in line 7-8 should be --one of the frame struts-- as the first coupling

element is connectable to one of the frame struts recited in line 2, and "a" in line 11 should be --the-- as this is the same sheet steel corner plate recited in line 2;

regarding claim 17, "case in the" in line 3 should be deleted, "strut" in lines 4 and 5, should be --struts--, and "a" in line 11 should be --the-- as this is the same sheet steel corner plate recited in line 2; and,

regarding claim 21, "more" in line 1 should be --both-- and "to" in line 1 should be --and--, the second occurrence of "the" in line 3 should be --a-- as a connecting profile has not been previously recited, the first occurrence of "a" in line 4 should be --the-- as this is the same frame tube recited in claim 17, line 10, and "a coupling unit" should be --the first coupling unit-- as the first coupling unit is the one that is arranged in the corner recess.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Specification

The disclosure is objected to because the description of feature "50" is not consistent. On page 10, line 22, "50" is described as bracket units and on page 11, line 19, "50" is described as a bracket support. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Simpson, 5,577,353.

Regarding claim 16, Simpson discloses, in Figures 2 and 4, a coupling apparatus comprising frameworks (Fig. 4) which have frame struts **18** and cross brackets **22a** connecting the frame struts **18**. A sheet steel corner plate **34** is arranged in a region in which the cross brackets are connected to the frame struts **18** and which have a corner recess in a corner region of the region in which the cross bracket **22a** are connected to the frame struts **18**. A further recess is provided approximately level with the corner recess and offset inward. The coupling apparatus includes a first coupling unit (a combination of a nut and a bolt is the first unit).

The coupling apparatus includes a second coupling unit having a first coupling element (the nut) and a second coupling element (the bolt). A frame tube 24 is able to be connected to the first coupling element (the nut). Applicant is reminded that the second coupling element (the bolt) can be fastened in the further recess of the sheet steel corner plate with a positive fit.

Regarding claim 19, the first coupling element of the second coupling unit is a tube half-coupling.

Allowable Subject Matter

Claims 2-5, 17, and 18 are allowed.

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 2 and 17, the prior art of record does not disclose or suggest a second coupling element having a spacer profile and a projection profile arranged on a free end side of the spacer profile; there is no motivation, absent applicant's own disclosure, to modify Simpson, 5,577,353, because the bolt does not require a projection profile arranged on a free end side of a spacer profile.

regarding claims 3-5, these claims depend from claim 2;

regarding claim 18, this claim depends from claim 17; and,

regarding claim 21, this claim alternatively depends from claim 17.

Response to Arguments

Applicant's arguments filed July 22, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the coupling apparatus (claim 16)) are used for scaffoldings, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-70837083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

May 24, 2006



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